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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,017

09/25/2003

Mi Hyun Kim

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EXAMINER

ZHAO, DAQUAN

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

11/26/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,017	<b>Applicant(s)</b> KIM ET AL.	
	<b>Examiner</b> DAQUAN ZHAO	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/14/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44 and 46-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44, 46-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/20/2008; 10/8/2008; 9/8/2008; 8/12/2008;</u>               | 6) <input type="checkbox"/> Other: _____                          |
| <u>6/30/2008; 6/6/2008; 1/31/2005.</u>   |   |



## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 8/14/2008 have been fully considered but they are not persuasive.

Applicant argues, on page 6 of the remark, Okada et al fail to teach "resuming a playback of the title based on the resume information by executing a resume command prestored as part of a prestored command group of the recording medium".

Paragraphs, 175-178, abstract and figure 13 of Okada et al teach the remote control of the DVD player has dedicated key links to the event handler so that when the user operates a particular key, the corresponding global event handler is called. The "scripted command" or event handler are stored in the player before the playback of the DVD. The Resume() command, playback at the position of "program #2", wherein the position of program #2 is stored in the player by the command GoUp(2). Paragraphs 273-281 also teach the resume() command.

Applicant argues, on page 6 of the remark, Okada et al fail to teach "button information identifying a selected button". Paragraphs 131-132 of Okada et al teach "button information identifying a selected button". figure 13 also shows the "blue" button on the remote control is pressed, the resume() command can be executed, and the blue button has an id as taught in paragraph 131-132

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 44, 46-54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For claims 44, 48, and 52, there's no support in the specification for "button information identifying a selected button".

Claims 46-47, 49-51, 53-54 incorporate the same deficiency as set forth above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 44, 46, 48-50, 52-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al (US 2004/0,047,588 A1).

For claim 44, Okada et al teach a method of controlling resume-playback of one or more titles recorded on a recording medium, comprising:

storing resume information in the storing unit of an apparatus (e.g. abstract, the event handlers are stored in the package medium); and

resuming a playback of the titles based on the resume information by executing a resume command pre-stored as part of a pre-stored command group of the recording medium (Paragraphs, 175-178, abstract and figure 13 of Okada et al teach the remote control of the DVD player has dedicated key links to the event handler so that when the user operates a particular key, the corresponding global event handler is called. The “scripted command” or event handler are stored in the player before the playback of the DVD. The Resume() command, playback at the position of “program #2”, wherein the position of program #2 is stored in the player by the command GoUp(2). Paragraphs 273-281 also teach the resume() command); and

wherein the resume information includes resume position information to be used to represent a resuming playback position of a title (e.g. position of program #2); and

button information identifying a selected button (Paragraphs 131-132, figure 13 shows that the id for the Resume() command is “post”).

Claim 48 is rejected for the same reasons discussed in claim 44 above, wherein para. 17 and 447 teach a pick up unit configured to read/write data on/from the

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recording medium; a storing unit configured to store resume information; and a controller operatively coupled to the pick up and the storing unit and configured to control the pick up unit to read the resume command (e.g. para. 100-106, presentation controller).

For claim 52, figure 22 shows a area for the video file and another area for the navigation file, also see para. 447.

For claim 49, Okada et al teach resuming playback based on the resume position information stored in the storing unit when a playback operation is returned to the title domain from other domain (e.g. e.g. para 281, and para. 236-239, and figure 5).

For claims 46 and 50, Okada et al teach resuming playback step is performed when the playback operation is returned to the title domain from a menu domain (e.g. figure 13, para. 177-178).

For claim 53, Okada et al teach the first area configured to store a data stream associated with a menu domain (para. 177-178).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 47, 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US 2004/0,047,588 A1) as applied to claims 44-46, 48-50, 52-53 above, and further in view of Ono (US 6,914,863 B2).

See the teaching of Okada et al above.

For claims 47, 51, and 54, Okada et al fail to teach the resume information further comprises a resume flag indicating whether the corresponding title is resumable or not. Ono teach the resume information further comprises a resume flag indicating whether the corresponding title is resumable or not (e.g. abstract, column 8, line 34-column 9, line 34). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ono into the teaching of Okada et al to enhance the navigation system that can add a variety of interactive feature to playback of AV content while assuring the compatibility to the current or legacy DVD-video standard.

All ground(s) of rejection are maintained. Accordingly, THIS ACTION IS MADE FINAL. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing data of this action. In the event a first reply is filed within TWO MONTHS of the mailing data of this action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period. Then the shortened statutory period will expire on the data the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the data of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621